

**COMMONWEALTH OF VIRGINIA
VIRGINIA EMPLOYMENT COMMISSION**

Policy Number 99-2

Effective Date: November 19, 1999

Revision #

Revision Date

Title: Establishment of Local Workforce Investment Boards

PURPOSE

To describe the conditions and criteria for establishing the local Workforce Investment Boards (WIBs). To describe the requirements for nominations, appointments and responsibilities of the local WIBs. To provide guidelines for certification of local WIBs.

REFERENCES

Code of Virginia, Section 9-329.1(H)

P.L. 105-220, Workforce Investment Act, Section 117

20 CFR Parts 661.300 through 661.340; Part 667.200

Federal Register, Volume 64, No. 37/February 25, 1999: U.S. Department of Labor Planning Guidance and Instructions for Submission of the Strategic Five-Year Plan for Title I of the Workforce Investment Act and the Wagner-Peyser Act; Notice.

Executive Order Number 10(98), Office of the Governor: The Virginia Strategy: Prosperity Into the New Century.

POLICY STATEMENT

Each local workforce investment area within the state is required to have a Workforce Investment Board (WIB). Chief local elected officials appoint the local board, which is certified every two years by the Governor. The Governor, in partnership with the Virginia Workforce Council, is responsible for establishing the criteria for use by local officials in appointing the board members.

The Virginia Workforce Council establishes the vision and goals for the statewide workforce investment system. The Council's vision and goals will be directed towards ensuring that Virginia remains prepared to meet the employment challenges of the twenty-first century. Local boards are a part of a statewide system, and are expected to carry out strategies and policies that build on state investments. The WIBs set policy for the local workforce investment area and are the strategic leaders in addressing workforce development issues in their local areas, including but not limited to the Workforce Investment Act (WIA).

The WIBs must shape and describe a clear local vision in a way that is consistent with the Commonwealth's vision and goals and that is responsive to local needs.

The local elected officials and the WIB, working with the business community, education, labor, service providers and community-based organization leaders, together play vital roles in shaping the vision and customizing the system to respond to specific local labor market needs.

Local WIBs must be led by top business executives who can ensure that the local workforce investment system is responsive to current and projected job market realities, will contain a broad range of partners needed to develop a comprehensive vision for the local workforce investment system, and will focus on strategic decisions, not operational management. Chief Local Elected Officials must ensure maximum business and labor involvement to make the investment relevant to the real economy in individual communities. The local WIBs have responsibility for making the following critical decisions: how best to organize the service system to most effectively serve varying customer needs; how best to deploy available resources to achieve desired results and build capacity for continuous improvement; and how to expand the resource base and service capability through the development of strategic partnerships and an integrated service delivery system.

Local WIBs carry out their responsibilities in partnership with local elected officials. The joint responsibilities include, but are not limited to the following: developing a vision and goals for the local workforce investment system; development of the 5-year local strategic plan; selection of service operators and providers; appointment of the Youth Council members; approval of the local budget; program oversight; and negotiations with the Governor to reach agreement on local performance measures.

Chief Local Elected Official Agreements are required where a local area includes more than one unit of local government. This agreement must specify the roles of the individual chief elected officials in regard to local board nominations and appointments and carrying out any other responsibilities assigned to the Chief Local Elected Officials under Title I of the WIA. Agreements are also required between the Chief Local Elected Official (s) and the local WIB. This agreement must specify the roles of the Chief Local Elected Officials and WIB and how the Chief Local Elected Officials and the WIB will carry out their partnership responsibilities under Title I of the WIA. The term "Chief Local Elected Official" means the mayor of a city or the chair of the board of supervisors of a county or another elected official from the Board or Council, as designated by the Board or Council.

The attached guidelines for establishment of the local boards include the following sections:

- I. Composition of the Local Board
- II. Local Board Appointment Process
- III. Functions of the Local Board
- IV. Creation of the Youth Council
- V. Conflict of Interest
- VI. Certification of the Board

The Virginia Employment Commission is available to provide technical assistance to Chief Local Elected Officials and Local Workforce Boards to ensure effective and efficient local implementation of the WIA.

RECISIONS

APPROVED

Chair, Virginia Workforce Council

Commissioner, Virginia Employment Commission

DATE: November 19, 1999

ATTACHMENTS

ATTACHMENT A

Guidelines for Establishing Local Workforce Investment Boards

FORMS

**COMMONWEALTH OF VIRGINIA
VIRGINIA EMPLOYMENT COMMISSION
POLICY NUMBER 99-2
ATTACHMENT A**

Guidelines for Establishing Local Workforce Investment Boards (WIBs)

I. Composition of the Board

A. Mandatory Members of the Local Board

1. A Local Workforce Investment Board (WIB) must be made up of at least a majority of private sector representatives and shall include representatives from employers in the region that reflect the employment opportunities in the area and adequately represent, to the extent possible, urban, suburban and rural interests.

2. At least two representatives of local educational entities, including adult education and literacy and postsecondary institutions.

3. At least two representatives of labor organizations.

4. At least two representatives of community-based organizations (CBOs). The term CBO means a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

5. At least two representatives of economic development agencies.

6. A representative(s) of the entity of the one stop required partners. All one stop required partners are located within an administrative entity. This is for local board membership purposes and is separate from the One Stop Center operators, which will be selected by the Local Workforce Investment Boards, in agreement with Chief Local Elected Officials. The minimum board requirement is one representative from each one-stop partner entity. Chief Local Elected Officials may choose more than one representative from a partner entity.

<u>Local Partner Entity</u>	<u>One Stop Program</u>
<i>Local School Boards</i>	<i>Adult Education & Literacy</i>
<i>Local Community Colleges</i>	<i>Postsecondary Vocational Education</i>
<i>Community Action Agencies</i>	<i>Community Service Block Grant Program</i>
<i>Private Industry Councils (WIBs after July 1,2000)</i>	<i>Welfare-to-Work</i>
<i>Department of Rehabilitative Services; Department for the Visually Handicapped</i>	<i>Title I – Rehabilitation Act</i>
<i>Area Agencies on Aging or Nationally Funded Older Worker Employment & Training Programs</i>	<i>Title V of the Older Americans Act</i>
<i>WIBs</i>	<i>WIA Title I Adult, Dislocated Worker & Youth Programs</i>
<i>Local Virginia Employment Commissions</i>	<i>Employment Service (Wagner-Peyser); Unemployment Compensation; Trade Adjustment /NAFTA; Veterans Employment & Training Programs</i>
<i>Redevelopment & Housing Authorities</i>	<i>U.S. Department of Housing & Urban Development (HUD) Employment & Training Programs</i>
<i>Nationally Funded Program Entities, present in the local area</i>	<i>Job Corps; Migrant & Seasonal Farmworker Programs; Indian & Native American Programs; and Youth Opportunity Grants</i>

B. Optional Members of the Local Board

Other individuals or representatives of entities as the chief local elected official(s) in the local area may determine to be appropriate.

Examples of Optional Programs: Apprenticeship Programs; School-to-Work; Juvenile Justice Training Programs; Virginia Enterprise Initiatives; Adult Occupational Training Programs; and Mental Health Employment and Training Programs.

C. Chairperson

The Local Board will elect a chairperson for the board from among the representatives of the business sector.

D. Authority of Board Members

Members of the board must be individuals with optimum policy making authority within the organizations, agencies, or entities they represent.

E. General Membership Provisions

1. Business representatives should be an appropriate mix of small, medium and large employers that reflect the local labor market, i.e., the business representation should reflect the incidence of the mix in the local labor market.

2. Individuals serving on the Local Board who subsequently retire or no longer hold the position that made them eligible board members may continue to serve on the Local Board, at the discretion of the Chief Local Elected Official, but not as a representative of the original appointment, unless the person was appointed as an individual.

3. Members should be appointed for staggered terms.

4. Vacancies resulting from resignations or removal of mandatory members must be filled within 120 days.

II. Local Board Appointment Process

A. Nominations

The Chief Local Elected Officials must contact the appropriate entities in the local area for nominations to appoint members and or fill vacancies on the Local Board from business, local educational entities and labor representatives. **Chief Local Elected Officials may also design a process for nominations of individuals and other types of representation the local officials would like to include on the Local Board.**

Agency, company, or individual letterhead must accompany all nomination forms to the Chief Local Elected Official from the appropriate groups and/or individual. Vacancies subsequent to the establishment of the Local Board must be filled in the same manner as the original appointments.

1. Business representatives are to be selected from among individuals nominated by local business organizations and business trade associations. **Individual businesses may also nominate themselves or provide nominations of other businesses to Chief Local Elected Officials.** Business representatives must include owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy making or hiring authority.

2. Local educational entity representatives must be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities including local school boards, entities providing vocational education, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist).

3. Labor representatives must be selected from among individuals nominated by local labor federations (or in a local area in which no employees are represented by such organizations, other representatives of employees, such as employee organizations **and/or the state AFL-CIO**).

4. Local Elected Officials must contact the appropriate one stop partner entity for one-stop program nominations.

B. Selection

In appointing other mandated members, local elected officials should consult with the appropriate groups in the local area for possible individuals to serve including:

1. Representatives of community-based organizations, including organizations representing individuals with disabilities and veterans where such organizations exist in the area.

2. Representatives of local economic development agencies, including private sector economic development entities.

C. Public Participation

1. Chief Local Elected Officials must provide public notice of the intent to solicit nominations for Local Workforce Board membership, including the process to be used for nominations and selection.

2. Chief Local Elected Officials must also provide public notice on the proposed appointments to the Local Workforce Investment Board.

III. Functions of the Local Board

A. Substantive Responsibilities

1. The Local Board in partnership with Chief Local Elected Officials shall develop the vision, goals, objectives and policies for the local workforce investment area. **The vision shall be linked with the economic development mission for the local area.**

2. The Local Board in partnership with the Chief Local Elected Officials shall develop and submit to the Governor, a comprehensive 5-year local strategic plan consistent with the State plan.

3. The Local Board, with the agreement of the Chief Local Elected Officials, shall designate or certify one-stop operators and may terminate for cause the eligibility of one-stop operators.

4. The Local Board shall select eligible providers of youth activities by awarding grants or contracts on a competitive basis based on the recommendations of the Youth Council.

5. The Local Board shall identify eligible providers of training services for adults and dislocated workers.

6. The Local Board shall identify eligible providers of intensive services for adults and dislocated workers and award contracts for intensive services, if the one-stop operator does not provide the intensive services.

7. The Local Board, in partnership with the Chief Local Elected Official, shall conduct oversight with respect to local programs of youth, adult, and dislocated worker activities authorized under the WIA.

8. The Local Board, in partnership with the Chief Local Elected Official, will negotiate and reach agreement with the Virginia Workforce Council on behalf of the Governor on local performance measures.

9.The Local Board shall assist the Virginia Employment Commission in developing a statewide employment statistics system.

10.The Local Board shall coordinate the workforce investment activities authorized under the WIA with local economic development strategies, **including those in “The Virginia Strategy,”** and develop employer linkages with those activities.

11.The Local Board shall promote the participation of private sector employers in the statewide workforce investment system. It will ensure the private sector participation through the connecting, brokering, and coaching activities, through intermediaries such as the one-stop operator or through other organizations, to assist employers in meeting hiring needs.

B. Process Responsibilities

1. The Local Board shall enter into an agreement with the Chief Local Elected Officials clearly detailing the partnership between the two entities for the governance and oversight of activities under the WIA.

2.The Local Board in cooperation with the Chief Local Elected Officials for the local area will appoint a Youth Council as a subgroup of the Local Board responsible for recommendations to the Local Board concerning youth programs/issues.

3.The Local Board shall develop a budget for the purpose of carrying out the duties of the Local Board. The Chief Local Elected Officials must approve the budget.

4.The Local Board may employ staff and/or utilize other options for carrying out these responsibilities.

5.The Local Board may solicit and accept grants and donations from sources other than Federal funds made available under the WIA.

6.The Local Board may not provide core services or intensive services through a one-stop system or be designated or certified as a one-stop operator unless an agreement is reached with the chief elected official(s) and the Governor.

C. Local Board Restrictions

1.The Local Board may not provide training services unless granted a waiver by the Governor due to an insufficient number of eligible providers of training services to meet the local area demand.

The waiver shall apply for not more than one year and may be renewed for not more than one additional year.

2.The Local Board may not mandate curricula for schools.

D. Local Board Meetings

Sunshine Provisions

a. All local boards shall share information regarding its meetings and activities with the public subject to the provisions of the Virginia Freedom of Information Act.

b. The Local Board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the Local Board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators consistent with the State plan, and the award of grants or contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the Local Board.

In order to comply with the Sunshine Provisions, each Local Board and any subcommittee authorized to take official action on behalf of the Local Board must do the following:

➤ Take official action and engage in deliberations only at meetings open to the public. **"Official action" includes making recommendations, establishing policy, making decisions, and/or voting on matters of Local Board business. "Deliberations" are discussions of Local Board business necessary in order to reach decisions.**

➤ **Ensure that all meetings are held in an accessible location for the disabled and that all information is provided in accessible and alternate formats.**

➤ **Give public notice of the Local Boards first regular meeting of each calendar or fiscal year not less than fifteen days before the meeting, and also at that time give public notice of the anticipated schedule of the Local Board's remaining regular meetings through the year.**

➤ **The Local Board must also give public notice at least 24 hours in advance of any special meeting or rescheduled regular meeting. No public notice need be given of an emergency meeting called to deal with a real or potential emergency involving a clear and present danger to life or property.**

➤ **Insure that votes of Local Board members be publicly cast and, in the case of roll call votes, recorded.**

➤ **Keep written minutes of all public meetings, including date, time and place of the meeting, members present, the substance of all official actions, a record of roll call votes, and the names of any citizens who appeared and gave testimony.**

c. Executive meetings may be held as closed sessions, according to the provisions of the Virginia Freedom of Information Act. An executive meeting may be held during or after an open meeting, or may be announced for a future time. If an executive session is not announced for a specific time, Local Board members must be notified 24 hours in advance of the date, time, location and purpose of the executive session. The reason for holding an executive session must be announced at the open meeting either immediately prior or subsequent to the executive session.

d. Official action on any matter discussed at an executive session must be taken at an open meeting.

IV. Youth Council

As a subgroup within each Local Board, a Youth Council must be appointed by the Local Board, in cooperation with the chief local elected official(s) for the local area. Members of the Youth Council who are not members of the Local Board shall be voting members of the Youth Council and nonvoting members of the board.

A. Membership

1. Mandatory members

a. Members of the Local Board with special interest or expertise in youth policy.

b. Representatives of youth service agencies, including juvenile justice and local law enforcement agencies.

c. Representatives of local public housing authorities. Local Boards may choose housing authority employees and/or Tenant Organization representatives.

d. Parents of eligible youth seeking assistance under Title I of the WIA. The parent's membership term is not bound by the youth's term of participation in the program.

e. Individuals, including former participants, and representatives of organizations, that have experience relating to youth activities.

f. Representatives of the Job Corps, as appropriate to the local area.

2. Optional members

Individuals as the chairperson of the Local Board, in cooperation with the chief local elected official, determines to be appropriate.

B. Appointment Process

The Local Board in cooperation with the Chief Local Elected Officials appoints members of the Youth Council. Vacancies subsequent to the establishment of the Youth Council shall be filled in the same manner as the original appointments.

C. Youth Council Membership Notification

1. The Local Board in cooperation with the Chief Local Elected Officials shall provide Youth Council Membership information using the form provided by the Virginia Employment Commission. The Youth Council Membership information must be submitted for the initial Youth Council to the Virginia Employment Commission, no later than 60 days after the Governor certifies the Local Board. Youth Council recertifications after the first 2 years, will be done in conjunction with Local Board recertifications.

2. The Local Board in cooperation with the Chief Local Elected Officials shall submit, on a biennial basis, updated and current Youth Council membership information in conjunction with the submission of the Local Board membership information between January 1 and January 15 of the calendar year.

D. Duties of the Youth Council

The Youth Council shall develop the portions of the local plan relating to eligible youth, subject to the approval of the Local Board

1. The Youth Council shall recommend eligible providers of youth activities to the Local Board to be awarded grants or contracts on a competitive basis to carry out the youth activities.

2. Subject to the approval of the Local Board, the Youth Council shall conduct oversight with respect to the eligible providers of youth activities in the local area.

3. The Youth Council shall coordinate WIA Title I youth activities and other youth programs in the local area.

The Youth Council shall perform other duties determined to be appropriate by the chairperson of the Local Board.

V. Conflict of Interest

All members of the Local Workforce Investment Board and Youth Council serve a public interest and trust role and have a clear obligation to conduct all affairs in a manner consistent with this concept. All decisions of the Board and the Council are to be based on promoting the best interest of the state and the public good.

A. All members of the Local Workforce Investment Board and Youth Council are subject to the provisions of the State and Local Government Conflict of Interest Act.

B. Every Local Workforce Investment Board shall adopt in its bylaws conflict of interest standards meeting the minimum standards set forth in these Guidelines. The conflict of interest standards shall apply to all board and youth council members (voting and non-voting).

C. A member of a local board or youth council must neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by such member (or by an organization that such member directly represents); nor on any matter which would provide any direct benefit to such member or the immediate family of such member.

D. Immediate family means (1) a spouse and (2) any other person residing in the same household as the member, who is a dependent of the member or of whom the member is a dependent. Dependent means any person, whether or not related by blood or marriage, who receives from the member, or provides to the member, more than one-half of his financial support.

E. Any board/council member (or specific entity represented by that member) who participates in the development of contract specifications or standards is prohibited from receiving any direct financial benefit from any resulting contract.

F. Any board/council member who participates in a board/council decision relating to specific terms of a contract, the determination of specific standards for performance of a contract, the development of Invitations for Bid (IFB) or Requests for Proposals (RFP) or other such bid processes leading to a contract, or any similar decisions is prohibited from receiving any direct financial benefit from any resulting contract. In addition, no corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust, foundation or other entity shall receive the contract if it would create a conflict of interest for the board/council member who participated in this manner.

G. Each Local Workforce Investment Board and Youth Council member shall file a statement of economic interest with the Local Workforce Investment Board, as a condition of assuming membership and then, annually while serving as a board/council member. The Chief Local Elected Officials shall determine the composition of the statement of economic interest.

H. Any board/council member with a potential or actual conflict of interest must disclose that fact to the Local Workforce Investment Board as soon as the potential conflict is discovered and, to the extent possible, before the agenda for the meeting involving the matter at issue is prepared. If it should be determined during a meeting that a conflict of interest exists, the member must verbally declare such conflict of interest, such declaration must be clearly noted in the minutes, and such member must excuse himself from the remainder of the discussion and voting on that item. Each board/council member is responsible for determining whether any potential or actual conflict of interest exists or arises for him or herself during his tenure on the board/council.

I. If a contract or purchase is made by the Local Workforce Investment Board involving its own member with a conflict of interest, the Local Workforce Investment Board shall justify the terms and conditions of the contract or purchase; and document that the contract or purchase was adequately bid or negotiated and that the terms of the contract or price of the purchase are fair and reasonable.

J. Local Workforce Investment Board members who are also One Stop Center operators shall not serve on any committees that deal with oversight of the One Stop system or allocation of resources that would potentially be allocated to that member's program.

VI. Certification of the Board

A. Local Level Responsibilities

1. The Chief Local Elected Official must demonstrate that the nominations and the individuals selected from the private sector reasonably represent the private sector employer community and demographic composition of the local labor market. **A Nomination Form provided by the Virginia Employment Commission must be submitted.**

2. **The completed Nomination Forms must also be kept on file at the local level.**

3. The Chief Local Elected Official(s) must submit Local Board Membership information which includes the names of the individuals initially appointed as members of the Local Board, their title, company or agency name, address, E-mail address, telephone, and **fax numbers, nominating entity (where applicable), appointment/term expiration date, and sector representation. For business representatives, the industry sector, whether the business is small or large, and whether the business is minority or female owned must be identified. A form provided by the Virginia Employment Commission must be used.**

4. **The Chief Local Elected Official(s) must notify the Virginia Employment Commission within 10 days of the first meeting of the certified Local Board of the results of the election for the chairperson of the Board from among the business representatives. Any subsequent changes in the chairperson designation should be forwarded in writing to the Virginia Employment Commission within 10 days of the change.**

5. **The Chief Local Elected Official(s) must submit to the Virginia Employment Commission, on a biennial basis, updated and current Local Board membership information.**

The information must be submitted between January 1 and January 15 of the calendar year. A form provided by the Virginia Employment Commission must be used.

6. The form, to be accepted, must include the names of the individuals appointed as members of the Local Board, their title, company or agency name, address, telephone, E-mail and fax numbers, appointment/term expiration date, and sector representation. For business representatives, the industry sector, whether the business is small or large, and whether the business is minority or female owned must be identified. The list must clearly indicate the name of the elected Board Chairperson.

B. Governor's Responsibility

1. The Virginia Employment Commission will certify, on behalf of the Governor, all Local Boards upon determination that the composition of the Board and the appointment of the individuals to the Board are consistent with the criteria established in Section 117 of the Workforce Investment Act of 1998 and by the Governor. Subsequent certifications of the Board are required once every 2 years by the Commission on behalf of the Governor.

2. The Governor will notify the Chief Local Elected Official(s) within 30 days after the submission of the listing of the Local Board members and supporting documents of the certification or denial of the proposed Board. The criteria for initial certification or denial of certification will be based on the relevant composition requirements in the Workforce Investment Act and Sections I, II and IV of this policy. The Local Board must meet within 30 days after the Governor's notification to elect a chairperson.

3. For initial certification of the Local Boards, the Governor may consider conditional certification, if all private sector and labor representatives have been appointed to the Local Board. However, all certification requirements for Local Boards must be met by July 1, 2000.

4. If after a reasonable effort, the Chief Local Elected Official(s) in a multiple units of local government local area are unable to reach an agreement as described above, the Governor will appoint the members of the Local Board from individuals nominated as described above.

5. For the **second and subsequent certifications** of the Local Board, in addition to compliance with composition requirements, the Governor will consider the extent to which the Local Board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures and the Board's success in carrying out the functions listed in **Section III** of these Guidelines.

6. If a Local Board fails to achieve certification, the Chief Local Elected Officials will be required to reappoint and submit a membership listing following the procedures outlined in this section.

FORMS

- 1. Form A - Local Workforce Investment Board Nomination Form**
- 2. Form B - Local Youth Council Nomination Form**
- 3. Form C - Local Workforce Investment Board State Certification Form**
- 4. Form D - Local Youth Council State Certification Form**

Copies of Form A and Form B must be provided by Chief Local Elected Officials to entities, organizations and individuals interested in nominating individuals to the Local Workforce Investment Board and/or Youth Council, respectively.

Copies of Form A for each individual **appointed to** the Local Board must accompany Form C for Local Board Certification by the Governor.

Copies of Form B for each individual **appointed to** the Youth Council must accompany Form D for Youth Council certification by the Governor.
